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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,126	11/21/2003	Craig Miller	81091282	1125

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EXAMINER
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FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/707,126

Applicant(s)

MILLER ET AL.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8 and 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/21/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, claims 1-6 and 9, in the reply filed on January 21, 2005 is acknowledged.
2. Claims 7, 8 and 10-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 21, 2005.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Takizawa et al. (US 3,909,918).

As to claim 1, Takizawa et al. disclose a reduced radius hem assembly comprising:

an inner panel **16** having an outwardly extending perimeter flange comprising an end surface (edge), an inboard surface, and a beveled surface **16a** located between the end surface (edge) and the inboard surface; and

an outer panel **18** having a peripheral edge comprising a bend portion, an intermediate portion, and an end portion **18a** wherein the intermediate portion is

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adjacent to the beveled surface of the perimeter flange and the end portion overlies a portion of the inboard surface of the perimeter flange (Figure 2B).

As to claim 2, Takizawa et al. disclose a hem assembly wherein the thickness of the inner panel **16** (at beveled surface **16a**) is greater than the thickness of the outer panel **18** (Figure 2B).

As to claim 4, Takizawa et al. disclose a hem assembly wherein the perimeter flange of the inner panel **16** is provided with the beveled surface **16a** that extends across a portion of the perimeter flange (Figures 2B and 5B).

As to claim 5, Takizawa et al. disclose a hem assembly wherein the hem assembly includes areas that define cut lines (inherently, inner and outer panels **16,18** are cut from larger sheets) and wherein the beveled surface **16a** is provided in the areas defining cut lines.

As to claim 6, Takizawa et al. disclose a hem assembly wherein the hem assembly includes areas that define surface curvature and wherein the beveled surface **16a** is provided in the areas defining surface curvature (Figure 5B).

As to claim 9, Takizawa et al. disclose a reduced radius hem for an inner and outer panel, the inner panel **16** having an outwardly extending peripheral flange comprising an end surface (edge), an inboard surface, and a beveled surface **16a** located between the end surface (edge) and the inboard surface, the outer panel **18** having a peripheral edge comprising a bend portion, an intermediate portion, and an end portion **18a** whereby the beveled surface provides clearance capable of providing for bending the peripheral edge of the outer panel over the inner panel (Figure 2B).

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5. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Polon (US 5,237,734).

As to claim 1, Polon discloses a reduced radius hem assembly comprising:

an inner panel **14** having an outwardly extending perimeter flange comprising an end surface, an inboard surface, and a beveled surface **26** located between the end surface and the inboard surface; and

an outer panel **20** having a peripheral edge comprising a bend portion, an intermediate portion **28**, and an end portion **16** wherein the intermediate portion is adjacent to the beveled surface of the perimeter flange and the end portion overlies a portion of the inboard surface of the perimeter flange (Figure 2).

As to claim 2, Polon discloses a hem assembly wherein the thickness of the inner panel **14** (at beveled surface **26**) is greater than the thickness of the outer panel **28** (Figure 2).

As to claim 4, Polon discloses a hem assembly wherein the perimeter flange of the inner panel **14** is provided with the beveled surface **26** that extends across a portion of the perimeter flange (Figure 1).

As to claim 5, Polon discloses a hem assembly wherein the hem assembly includes areas that define cut lines (inherently, inner and outer panels **14,14** are cut from larger sheets) and wherein the beveled surface **26** is provided in the areas defining cut lines.

As to claim 6, Polon discloses a hem assembly wherein the hem assembly includes areas that define surface curvature and wherein the beveled surface **26** is provided in the areas defining surface curvature (Figure 1).

As to claim 9, Polon discloses a reduced radius hem for an inner and outer panel, the inner panel **14** having an outwardly extending peripheral flange comprising an end surface, an inboard surface, and a beveled surface **26** located between the end surface and the inboard surface, the outer panel **18** having a peripheral edge comprising a bend portion, an intermediate portion **28**, and an end portion **16** whereby the beveled surface provides clearance capable of providing for bending the peripheral edge of the outer panel over the inner panel (Figures 1, 2 and 5A-5D).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takizawa et al. in view of Hobbs et al. (US 5,613,726).

As to claim 3, Takizawa et al. fail to disclose a hem assembly wherein the inner panel comprises a magnesium composite material.

Hobbs et al. teach a hem assembly wherein a sheet metal panel comprises a magnesium composite material; the magnesium composite material providing for a strong, lightweight, corrosion resistant, weldable panel (column 6 lines 56-60).

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Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an assembly as disclosed by Takizawa et al. to have an inner panel comprising a magnesium composite as taught by Hobbs et al. in order to provide for a strong, lightweight, corrosion resistant, weldable panel.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polon in view of Hobbs et al.

As to claim 3, Polon fails to disclose a hem assembly wherein the inner panel comprises a magnesium composite material.

Hobbs et al. teach a hem assembly wherein a sheet metal panel comprises a magnesium composite material; the magnesium composite material providing for a strong, lightweight, corrosion resistant, weldable panel (column 6 lines 56-60).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an assembly as disclosed by Polon to have an inner panel comprising a magnesium composite as taught by Hobbs et al. in order to provide for a strong, lightweight, corrosion resistant, weldable panel.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patent shows the state of the art with respect to hem assemblies:

Morefield (US 6,536,983) is cited for pertaining to assemblies comprising an inner panel having a beveled surface, and an outer panel having an intermediate portion.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPF  
03/14/05



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